

REMARKS

Claims 1-4 and 13-30 are now in the application. Claims 1-4 have been amended to recite “admixture for cement” in place of “cement admixture” for purposes of clarification and not to limit their scope. Claims 1-4 have also been amended by removing superfluous parenthesis. Claims 5-12 have been canceled without prejudice or disclaimer and replaced with claims 14-17 and 27-30, respectively for more typical claim sequencing. New claims 14-17 and 27-30 correspond to prior claims 5-12, respectively, except that they recite “admixture for cement” in place of “cement admixture” for purposes of clarification and not to limit their scope.

Basis for new claim 13 can be found on page 27, lines 8-10 and page 27, line 30 to page 28, line 6. Claims 18-20 find support on page 19, lines 24-31, page 19, line 35 to page 20, line 4 and page 20, lines 11 to 14. New claims 21-23 find support on page 20, lines 3-5 and lines 14 to 15. New claims 24-26 find support on page 12, lines 18-19. The amendments to the claims and the newly presented claims do not introduce any new matter.

The rejection of claims 1-12 under 35 USC 112, second paragraph has been overcome by the amendments to the claims.

The rejections of claims 1-12 under 35 USC 102(e) or (a) as being anticipated by or being obvious under 35 USC 103(a) over US Patent 6,911,494 to Yamashita et al. or JP-2003-095722 to Nippon Shokubai Co., Ltd. are not deemed proper since the inventors of US Patent 6,911,494 and JP-2003-095722 are identical to the inventors in the present application and the cited references do not qualify as statutory bar under 35 USC 102(b). Accordingly, these references are not available as prior art against the present claims. Please note that with respect to JP-2003-095722, the summary/abstract that was filed included a translation error. In particular, in the translation, “Takeshi Hirata” is named as the inventor, but “Takeshi Hirata” is an error. “Tsuyoshi Hirata” is the correct name. An English translation of the relevant portion of JP-2003-095722 is attached to this response.

Claims 1-12 were also rejected under 35 USC 103 (a) as being unpatentable over US patent 6,911,494 to Yamashita et al. or JP 2003-095722 to Nippon Shokubai Co., Ltd. in view of

JP-2003-073157 or JP-05-306152. In addition to US Patent 6,911,494 and JP 095722 not being available as prior art, this rejection is not tenable for the following reasons. In particular, JP 2003-073157 fails to teach or suggest that the copolymer is used with the unsaturated (poly) alkylene glycol ether monomer (a) and the non-polymerizable (poly) alkylene glycol (B) having no alkenyl group.

JP 05-306152 suggests a mixture of two different kinds of copolymers composed of alkenyl ether and maleic anhydrides, wherein the copolymers are different in the average molar number of addition of the oxyalkylene groups. The mixture of two different kinds of copolymers is similar to that of the copolymer (A1) and (A2) in claim 2 of the present invention.

However, JP 05-306152 fails to teach or suggest that the mixture of the copolymers is used with the unsaturated (poly) alkylene glycol ether monomer (a) and the non-polymerizable (poly) alkylene glycol (B) having no alkenyl group.

Further, while JP 05-306152 shows the experimental results in a water/cement ratio (by mass) is "0.519", the present invention of this application shows them in a water/cement ratio (by mass) is "0.30". That is, the present invention of this application shows that the admixture for cement of the invention gives viscosity decreasing ability as well as a high dispersing ability and slump loss preventing ability even in a high water reducing ratio range.

The rejections of claims 1-12 for non-statutory obviousness-type double patenting as being unpatentable over claims 1-12 of US Patent 6,911,494 and the provisional rejection on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-18 of co-pending application serial number 10/791,729 have been overcome by the filing of the attached Terminal Disclaimer. The filing of the Terminal Disclaimer is not to be construed as an admission, estoppel or acquiescence. See *Quad Environmental Technology v. Union Sanitary District*, 20 USPQ2d 1392 (Fed. Cir. 1991) and *Ortho Pharmaceuticals Corp. v. Smith* 22 USPQ2d 1119 (Fed. Cir. 1992).

In view of the above amendment, applicant believes the pending application is in condition for allowance.

In the event that the Examiner believes that another interview would serve to advance the prosecution of this application, the undersigned is available at the number noted below.

Please charge \$450.00 to our Deposit Account No. 22-0185, under Order No. 21581-00317-US from which the undersigned is authorized to draw.

Dated:

Respectfully submitted,

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